

Kenney

CIVIL COVER SHEET

5:19-1427

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Richard Ingle

(b) County of Residence of First Listed Plaintiff **Berks**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Martin Stanshine, Esquire
1528 Walnut St Suite 700, Philadelphia, PA 19102, 215-985-4204

DEFENDANTS

Police Officer Charles Federico

County of Residence of First Listed Defendant **Berks**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	Citizen of Another State	PTF	DEF
<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State
			<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer w/ Disabilities Employment <input type="checkbox"/> 446 Amer w/ Disabilities Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION	FEDERAL TAX SUITS
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)
42 USC Section 1983 and 1988

VI. CAUSE OF ACTION

Brief description of cause
Police Officer assaulted plaintiff, resulting in fractured rib

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P

DEMAND \$
Under \$150,000.00
CHECK YES only if demanded in complaint
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

March 28, 2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

MAR 29 2019

RECEIPT #

AMOUNT

MAR 29 2019

APPLYING IFP

JUDGE

MAG JUDGE

CFK

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19 1427

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff _____

1351 Walnut Street, Reading, PA 19604

Address of Defendant _____

815 Washington Street, Reading, PA 19601

Place of Accident, Incident or Transaction: _____

RELATED CASE, IF ANY:

Case Number _____ Judge _____

Date Terminated _____

Civil cases are deemed related when **Yes** is answered to any of the following questions

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? Yes No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes No

I certify that, to my knowledge, the within case is is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE

4/3/19

Martin Stanshine

15388

Attorney ID #(if applicable)

CIVIL (Please check one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify) _____
- 7. Products Liability
- 8. Products Liability - Asbestos
- 9. All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

Martin Stanshine, Esquire

counsel of record or pro se plaintiff, do hereby certify



Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.

Relief other than monetary damages is sought.

DATE March 27, 2019

15388

Attorney-at-Law / Pro Se Plaintiff

Attorney ID #(if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

MAR 29 2019

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

CFK

v.

:

CIVIL ACTION

19 1427

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()

(f) Standard Management - Cases that do not fall into any one of the other tracks. (X)

3/27/19
Date

Martin Stanshine
Attorney-at-law

Richard Engle
Attorney for

215-985-4204

215-545-0668

martinstanshine@hotmail.ca

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

MAR 29 2019

Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See §1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses, (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence, (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD INGLE	:	CIVIL ACTION
1351 Walnut Street	:	
Reading, PA 19604	:	
	:	
vs.	:	
	:	NO. _____
POLICE OFFICER CHARLES FEDERICO	:	
c/o Reading Police Department	:	
815 Washington Street	:	
Reading, PA 19601	:	

COMPLAINT

I. Jurisdiction

1. This action is brought pursuant to 42 USC, Section 1983 and Section 1988, and the Fourth and Fourteenth amendments to the United States Constitution. Jurisdiction is based on 28 USC Section 1331 and 1333 and the aforementioned statutory and constitutional provisions. Plaintiff further invokes the supplemental jurisdiction of this court to hear the said claims arising under state law.

II. Parties

2. Plaintiff, Richard Ingle, is an adult individual and citizen of the United States of America whose home address is at the address set forth in the caption of this complaint.

3. Plaintiff, Richard Ingle, was born on May 22, 1962 and, at the time of the events described below, was 55 years old.

4. Defendant is Police Officer Charles Federico (hereinafter referred to as "Officer Federico") who, at all times relevant hereto, worked as a police officer for the

Reading Pennsylvania Police Department

III. Facts

5. On or about December 28, 2017, at approximately 9:10 AM, as a result of a dispute between plaintiff and a neighbor, defendant, Officer Federico, came into plaintiff's home at 1351 Walnut Street, Reading, PA 19604, apparently to serve a disruptive conduct report on plaintiff.

6. When Officer Federico came into plaintiff's home, he shoved the DCR report in plaintiff's chest while calling plaintiff a "fucking asshole". Plaintiff had been sitting on his sofa at this point.

7. Immediately subsequent thereto, plaintiff got up from the sofa and told Officer Federico to "get the hell out of my house".

8. At this point, Officer Federico, without any cause or justification, grabbed plaintiff by the chest area and threw him back towards the sofa at which point plaintiff's chest hit the wooden portion of the sofa fracturing his rib.

9. At no time did plaintiff assault Officer Federico or do anything else that could have reasonably justified the reaction and assault committed upon plaintiff by Officer Federico as described above.

10. As a direct result of the aforementioned assault, plaintiff suffered a fractured rib and significant chest pain.

11. As a direct result of the aforementioned assault, plaintiff has incurred medical expenses for treatment of his injuries.

12. At all times relevant hereto, Officer Federico was acting under color of

state law and was acting as an active police officer for the Reading Police Department.

FIRST CAUSE OF ACTION
CIVIL RIGHTS VIOLATION

13. Paragraphs one (1) through twelve (12) of this complaint are hereby incorporated as if each were fully set forth at length herein.

14. As a direct and proximate result of the above-described actions of defendant - Officer Federico - plaintiff was subjected to an assault and seizure in violation of his rights under the Fourth and Fourteenth Amendments to the United States Constitution and in violation of 42 USC Section 1983.

15. As a direct and proximate result of the acts of defendant - Officer Federico - plaintiff suffered damages as set forth above and below and a deprivation of his rights and liberty interests, all to plaintiff's great detriment and loss.

16. The actions of defendant - Officer Federico - violated clearly established and well settled federal constitutional rights of plaintiff including the rights described above and including the right to be free from the use of unreasonable and unjustified force on his person as well as a lack of due process.

17. Plaintiff is entitled to attorney's fees and costs of prosecution pursuant to 42 USC Section 1988.

SECOND CAUSE OF ACTION
ASSAULT AND BATTERY - COMPENSATORY DAMAGES

18. Paragraphs one (1) through seventeen (17) of this complaint are hereby incorporated as if each were fully set forth at length herein.

19. The aforementioned actions of defendant - Officer Federico - put plaintiff in fear of and committed painful and offensive bodily contact with plaintiff, thereby constituting the torts of assault and battery under Pennsylvania law.

THIRD CAUSE OF ACTION
PUNITIVE DAMAGES - ASSAULT AND BATTERY

20. Paragraphs one (1) through nineteen (19) of this complaint are hereby incorporated as if each were fully set forth at length herein.

21. The conduct the defendant - Officer Federico - was outrageous, wanton, willful and reckless, thereby entitling plaintiff to punitive damages against said defendant.

JURY DEMAND

22. Plaintiff demands a trial by jury as to each claim, cause and count.

WHEREFORE, plaintiff demands judgment against defendant, Officer Federico, as to each count, in an amount not in excess of \$150,000.00 together with costs, attorney's fees, interest and such other and further relief as the court may deem just and proper.

Respectfully submitted,
STANSFINE & SIGAL, P.C.

BY: Martin Stansfine
MARTIN STANSFINE, ESQUIRE
Identification No: 15388
Attorney for Plaintiff

Dated: March 19, 2018